IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTYFIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 20087 of 1995

Between:

Vemana Tatarao, s/o. Veeranna, Hindu, aged 70 years, cultivation, Indukuru village, Devipatnam Mandal, E.G. District

..... PETITIONERS

AND

1. Sub-Collector,Rampachodavaram, E.G. District
2. Mandal Revenue Officer, Devipatnam, E.G. District.
3. Collector, Kakinada
4. Station House Officer, Devipatnam, E.G. District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue WRIT OR MANDAMUS, or any other appropriate writ, order or direction directing the respondents not to interfere with the petitioner's possession and enjoyment of the land measuring Ac 4.50 cents in S.No.255/1 of Indukuru village, Devipatnam Mandalam, East Godavari District and for consequential directions directing the respondents to give the petitioner protection in cultivating the above said lands and

Counsel for the Petitioners: MR. M.L. SARMA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The present writ petition is filed seeking writ of mandamus directing the respondents not to interfere with the petitioner's possession and enjoyment of the land measuring Ac 4.50 cents in S.No.255/1 of Indukuru village, Devipatnam Mandal, East Godavari District and for consequential direction to the respondents to give protection to the petitioner in cultivating the above lands.

The case of the petitioner is that he is the owner of an extent of Ac 4.50 cents in Sy. No.255/1 of Indukuru village acquired through his wife given by his father-in-law and they have been in possession and enjoyment of the said land. It is his further case that his wife was granted a patta to the schedule mentioned property by the Settlement Officer, Rajahmundry, E.G.District in Case No. 2126 dated 27-4-1977 and the proceedings initiated against his wife were also dismissed up-holding her right in the property. But the Mandal Revenue Officer, Devipatnam is now threatening him from entering into the said land in cultivating the same. Hence, the writ petition.

Heard the learned Counsel for the petitioner and learned Government Pleader for Revenue.

The main grievance of the petitioner is that on the basis of the proposed eviction by the third respondent, the second respondent is threatening and trying to interfere with the petitioner's enjoyment of the schedule land that forced him to seek protection from this Court. Except a bald allegation in the affidavit filed in support of the petition, no material is placed before this Court to show that the respondents are interfering with petitioner's possession and enjoyment of the land.

In view of the facts of the case, it can be said that it is only an apprehension of the petitioner, but as a matter of fact, there is no material on record to show that the respondents have initiated any action in this regard. Under the above circumstances, the petitioner cannot have any grievance against the respondents and the writ petition fails.

Accordingly the writ petition is dismissed. No costs.

T. MEENA KUMARI, J

31-3-2005

Kvrk

To

1. The Sub-Collector, Rampachodavaram, E.G. District
2. The Mandal Revenue Officer, Devipatnam, E.G. District.
3. The Collector, Kakinada
4. The Station House Officer, Devipatnam, E.G. District
5. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)
6. Two CD copies.

HON'BLE SMT JUSTICE T.MEENA KUMARI

–

–

–

–

–

–

–

WRIT PETITION NO : 20087 of 1995

31st March 2005